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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TIARE RAMIREZ, an individual;

Plaintiff,

vs.

WYNN LAS VEGAS, LLC; DOES I through
X; and ROE Corporations XI through XX,
inclusive;

Defendant.

Case No: 2:19-cv-01174-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Seventh Request)

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES

Pursuant to LR IA 6-1, 6-2, and LR 26-4, Plaintiff Tiare Ramirez ("Plaintiff") and Defendant Wynn Las Vegas, LLC. ("Defendant") and, by and through their undersigned counsel, hereby stipulate to amend the Discovery Plan and Scheduling Order, (ECF No. 40), by extending the outstanding discovery deadlines for a period of thirty (30) days.

This is the seventh request for an extension to the Discovery Plan and Scheduling Order in this matter. The requested extension is sought in good faith and not for purposes of undue delay. This request is submitted at least twenty-one (21) days or more before each deadline set forth below.

DISCOVERY COMPLETED TO DATE

Both parties have exchanged their initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A). Plaintiff served her initial disclosures on September 9, 2019 and her first supplemental disclosures on November 1, 2019. Defendant served its initial

1 disclosures on September 10, 2019 and its first supplemental disclosures on November
2 1, 2019. Defendant responded to Plaintiff's first sets of interrogatories and requests for
3 production of documents on November 1, 2019. Plaintiff responded to Defendant's first
4 sets of interrogatories and requests for production of documents on November 1, 2019.

5 On December 6, 2019, Defendant issued third-party subpoenas for Plaintiff's
6 employment, education and medical records. Plaintiff objected to and moved to quash
7 the subpoenas for Plaintiff's employment and education records (ECF No. 23).
8 Defendant withdrew the subpoenas for Plaintiff's education records but maintained its
9 request for Plaintiff's employment records from Caesars Palace and Able Baker
10 Brewing. The parties fully briefed the issue regarding the discoverability of Plaintiff's
11 employment records and on January 31, 2020, Magistrate Judge Albregts granted in
12 part and denied in part Plaintiff's Motion to Quash Third-Party Subpoenas (ECF No.
13 26). Plaintiff subsequently filed Objections to Magistrate Judge Albregts' Order, which
14 District Judge Gordon affirmed by Order dated March 3, 2020 (ECF No. 32).
15 Thereafter, Defendant issued amended subpoenas to Caesars Palace and Able Baker
16 Brewing for Plaintiff's employment records in accordance with United States District
17 Judge Gordon's Order. Defendant received a response to its subpoena from Caesars
18 Palace timely but Able Baker Brewing and treating healthcare provider, D. Ted Cohen
19 responded to the respective subpoenas late.

20 **DISCOVERY THAT REMAINS TO BE COMPLETED**

21 Plaintiff anticipates taking the deposition of Defendant Wynn Las Vegas, LLC,
22 pursuant to Federal Rule of Civil Procedure 30(b)(6). Plaintiff also anticipates taking the
23 depositions of individuals with knowledge of the facts and circumstances surrounding
24 the allegations in the Complaint. Such individuals are anticipated to include Jeralynn
25 Makaiwi, Karen Sanchez, Melissa Espino-Cascos, and Tia Gibson.

26 Defendant anticipates taking the deposition of Plaintiff Tiare Ramirez and
27 perhaps others based upon the deposition testimony provided.

REASONS FOR EXTENSION TO COMPLETE DISCOVERY

This extension is necessary and good cause exists for several reasons. The current pandemic caused delays and difficulties in completing discovery due to employee furloughs and business closures (including delayed subpoena responses). In addition, a household member of counsel for Defendant suffering from a chronic health condition suffered a serious decline and recently was transitioned to a long-term care facility, which caused unpredictability in availability for depositions.

Counsel for Plaintiff has also had personal commitments that have delayed such discovery including Plaintiff Counsel's father being in ICU for over thirty days, transferred to IMU, and now in a skilled nursing facility. Plaintiff Counsel is assisting his father in his pending legal matters as well. These matters impeded the ability to complete depositions during June 2021 as originally contemplated. However, the parties were able to continue making progress towards settlement and intend to conclude those discussions during the next two weeks and schedule depositions thereafter only if needed.

PROPOSED REVISED DISCOVERY PLAN

1. Discovery Cut-Off Deadline

The discovery cut-off deadline shall be extended for thirty (30) days from July 22, 2021 to **Monday, August 23, 2021** (August 21, 2021 falls on a Saturday).

2. Dispositive Motions Deadline

The parties shall file dispositive motions thirty (30) days after the extended discovery cut-off date, and therefore, not later than **Wednesday, September 22, 2021**.

3. Joint Pretrial Order Deadline

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed thirty (30) days after the date set for filing dispositive motions, and therefore, not later than **Friday, October 22, 2021**. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the Court enters a ruling on the dispositive motions

or otherwise by further order of the Court.

4. Fed. R. Civ. P. 26(a)(3) Disclosures

The pretrial disclosures shall be included within the pretrial order as per LR 26-1(b)(6).

5. Extensions or Modification of the Discovery Plan and Scheduling Order

In accordance with Local Rule 26-4, any stipulation or motion for modification or extension of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the expiration of the subject deadline.

5. Trial and Calendar Call

No trial has been set in this matter.

Dated this ____ Day of June 2021.

GABROY LAW OFFICES

By: /s/ Christian Gabroy
Christian Gabroy, Esq.
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Attorney for Plaintiff

Dated this ____ Day of June 2021.

LITTLER MENDELSON, P.C.


By: /s/ Wendy Krincek
Wendy Krincek, Esq.
3960 Howard Hughes Parkway
Suite 300
Las Vegas, NV 89169
wkrincek@littler.com
Attorneys for Defendant

ORDER

IT IS ORDERED that ECF No. 45 is GRANTED. However, the Court notes that this is the parties' seventh request for an extension of the discovery deadlines. The parties are strongly encouraged to complete discovery by the deadline provided herein.

IT IS SO ORDERED

DATED: 10:54 am, July 02, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**



SAO to Extend Discovery Deadlines 7th Request.doc

2 messages

Krincek, Wendy M. <wkrincek@littler.com>
 To: christian@gabroy.com, kmesser@gabroy.com
 Cc: assistant@gabroy.com, emelwak@littler.com

Wed, Jun 23, 2021 at 4:01 PM

I red-lined in a couple sentences. I'm good with this if you are.

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Christian Gabroy <christian@gabroy.com>
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Wed, Jun 23, 2021 at 5:11 PM

Cc: Kaine Messer <kmesser@gabroy.com>, Gabroy Law Assistant <assistant@gabroy.com>, "Melwak, Erin J." <emelwak@littler.com>

Great, please file ella.

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